

United States District Court
Southern District of New York

EMIRATES INTERNATIONAL INVESTMENT
COMPANY, LLC,

Petitioner,

- against -

ECP MENA GROWTH FUND, LLC, ET AL.,

Respondents.

11 Civ. 9227 (JGK)

MEMORANDUM OPINION AND
ORDER

JOHN G. KOELTL, District Judge:

The petition for a preliminary injunction in this case alleges jurisdiction solely on the basis of diversity of citizenship pursuant to 28 U.S.C. § 1332. Petition for Preliminary Injunctive Relief Pending Arbitration, Emirates Int'l v. ECP MENA Growth Fund, No. 11 Civ. 9227, ECF No. 1 ("Petition"), at ¶ 6. However, according to the petition, the petitioner is a "limited liability company organized and existing under the laws of Abu Dhabi," and one of the respondents is "a limited liability company organized and existing under the laws of Mauritius" and with its principal place of business in Mauritius. Petition at ¶¶ 1-2. The other respondent is a limited partnership based in Washington, D.C. Petition at ¶ 3.

A limited liability company takes the citizenship of its members. See Morel Operating Co., L.L.C. v. Hilltop Research,

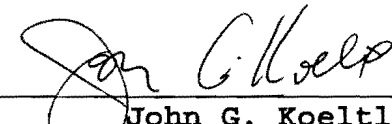
Inc., No. 05 Civ. 10574 2012 WL 1080141, at *1 (S.D.N.Y. March 30, 2012) (citing Handelsman v. Bedford Village Assocs. Ltd. Pshp., 213 F.3d 48, 51-52 (2d Cir. 2000)). "A limited partnership is a citizen of the states where each of its partners are citizens." Id.

The parties have not provided the Court with any information as to the citizenship of their respective members or partners. If there are aliens on both sides of the case, then there is not diversity of citizenship. See Corporacion Venezolana de Fomento v. Vintero Sales Corp., 629 F.2d 786, 789-790 (2d Cir. 1980) ("[T]he fact that alien parties were present on both sides would destroy complete diversity.").

The parties should explain to the Court the specific basis or bases upon which their understanding of this Court's jurisdiction rests, and should inform the Court as to the citizenship of each of their respective members or partners by Wednesday, April 18, 2012.

SO ORDERED.

Dated: New York, New York
April 16, 2012



John G. Koeltl
United States District Judge